

ARISE Coalition Statement in Response to the DOE's Implementation Plan for the Reform of Special Education

On Monday, February 1, 2010, the New York City (NYC) Department of Education (DOE) released an outline of their proposals for improving special education services in NYC. Their plan set out five guiding principles to foster education, inclusion, and respect for students with disabilities and their families – all things the ARISE Coalition has called for repeatedly. To the extent that the DOE's guiding principles indicate the removal of roadblocks to quality supports and services for youth with disabilities, we applaud the DOE's new stance. However, the Coalition has some grave concerns that the DOE's plan is short on both detail and accountability.

As its first guiding principle, the DOE has put forth that "every school should educate and embrace the overwhelming majority of students with disabilities." The requirement that every student receive a free and appropriate public education in the least restrictive and appropriate environment has been an element of federal law since its inception in 1975. The principle should instead make clear that "every school *shall* educate and embrace the overwhelming majority of students with disabilities." Compliance with the federal law in NYC's schools can no longer be optional.

While the DOE indicates that self-contained, special education programs should be reserved for students with "low incidence" disabilities or highly specialized needs, we note that low or high incidence of disability has no automatic bearing on the need for specialized programming. The DOE must instead develop and use improved criteria for determining the students with highly specialized needs who might be better educated in self-contained programs. Without improved criteria, there will be nothing to stop schools from continuing to refer "challenging" students out of their buildings who may, in fact, be well served with appropriate supports in their current schools. We further note that even students who may require specialized programs or self-contained settings must still be provided access to all else their schools have to offer, including, but not limited to, after-school programming, use of gym and library facilities, and the opportunity to join their peers on trips out of school buildings.

We also remain concerned with the on-going lack of accountability from the top of the DOE. Regrettably, we see it reflected in the DOE's new plan. Urging principals to accept students who are not regularly integrated into the educational programs of the school community is only a first step. Significantly more than urging, even with increased amounts of support, must occur. There must be repercussions for schools that fail to accept and educate students with disabilities, as well as clear lines of responsibility for the DOE as a whole.

We also find too vague the DOE's plans to develop a "toolkit" of promising practices. We have seen little to suggest that the DOE has a good understanding of its own pockets of expertise, knowledge of the most successful programs in NYC, or insight as to models existing outside of the City. The DOE must reach out immediately to experts who can provide curricular support to all levels of the DOE regarding, for example: utilization of assistive technology to enhance academic instruction; provision of differentiated instruction and appropriate and legally mandated behavioral supports to assure better access to curriculum for significantly greater numbers of students; and improved reading instruction and skill development through Response to Intervention programs.

Furthermore, the "toolkit" as it is developed must provide access to, and support in, the use of methodologies that enable educators to meet the needs of individual students with disabilities, resulting in significantly increased numbers of students with IEPs graduating from high school with Regent's Diplomas. All programs responsible for educating students with disabilities in the community schools, as well as District 75 programs and schools, must be required to develop their teaching to this end.

Over the past seven months, Laura Rodriguez, the DOE's Chief Achievement Officer of Special Education and English Language Learners, has sought out and welcomed input from the families, advocates, and educators represented by the ARISE Coalition. We look forward to continued cooperation wherever possible, but will not fail to speak up when we have concerns. Our fervent hope is that the DOE's new plan for special education reform will improve the experiences of students with disabilities, enhance relationships with their families, and lead to successful outcomes for all students.